

# Rule 1403 Frequently Asked Questions (FAQ)

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# 1. PURPOSE AND APPLICABILITY

## 1.1 General Information

**Was the use of asbestos banned?**

**In what year was asbestos banned?**

The majority of asbestos-containing building materials were never banned. The EPA announced a phased-in ban of most asbestos products, but it was never implemented ([U.S. Federal Bans on Asbestos](#)).

Asbestos has not been banned and is still in use in some USA industries as well as some other countries. However, in the USA, insurance, finance and litigation has virtually eliminated the use of asbestos in building materials.

**Where can I find information about asbestos removal or building demolition questions?**

You can find the information in the South Coast AQMD asbestos web page located at:

[Asbestos Removal & Demolition:](#)

(<http://www.aqmd.gov/home/rules-compliance/compliance/asbestos-demolition-removal>)

**Where can I find the asbestos removal or demolition Notification forms, fees and other information?**

At the South Coast AQMD [Asbestos Removal & Demolition](#) web page:

[Notification Form](#) (For Homeowners submitting notifications for demolition that they will be conducting personally on their detached single family house)

[Notification Fee Information](#)

[Notification Form Instructions](#) (For Homeowners submitting 14-calendar day demolition notifications only; Contractors use the [Rule 1403 Asbestos Notification Web Application](#))

**Who can I call about asbestos removal or building demolition questions?**

Call the South Coast AQMD Asbestos Hot Line at (909) 396-2336

Tuesday–Friday, 7:30 am – 5:00 pm

For after-hours emergencies, call 1-800-CUT-SMOG. Leave a message stating the reason for the emergency and that you want an asbestos supervisor to respond to your call.

**Do I need a South Coast AQMD demolition permit or an asbestos permit?**

The South Coast AQMD does not issue permits for demolition or asbestos removal. Rule 1403 requires an electronic Notification to be submitted to the South Coast AQMD 10 working days (or 14 calendar days) prior to any demolition or removal of more than 100 square feet of intact (not damaged) asbestos-containing material greater than 1% asbestos.

Your city or county may require you to apply for a permit to conduct asbestos removal, renovation or demolition.

**The Building and Safety Department told me I need to call you regarding the demolition permit. Is this true?**

Yes. California Health and Safety Code 19827.5 prohibits cities from issuing demolition permits until you provide the city with a copy of the demolition Notification that you submitted to the South Coast AQMD.

**Does the South Coast AQMD send a letter to me or the city verifying that my Notification has been received and that my demolition permit can be issued?**

South Coast AQMD verification is not required per California Health and Safety Code 19827.5, but some cities require that you submit proof of Notification to the South Coast AQMD before they issue a renovation or demolition permit.

**Do you offer financial assistance for asbestos removal?**

There is no federal, state or local financial assistance for removing asbestos.

## 1.2 Contractors

### **Can anybody remove asbestos from a building if there is less than 100 square feet of asbestos present?**

Only asbestos removal contractors listed at The Cal/OSHA Asbestos Registration are allowed to remove asbestos in the State of California, except where exempt under California Labor Code 6501.5.

NOTE: See FAQ regarding homeowner exemption Rule 1403 (j)(9).

### **I am a contractor; can I remove asbestos if there is less than 100 square feet of it?**

Only asbestos removal contractors listed at The Cal/OSHA Asbestos Registration are allowed to remove asbestos in the State of California, except where exempt under California Labor Code 6501.5.

### **I am a demolition contractor. When we go in to demolish, all asbestos has been surveyed and abatement is complete. If I recognize something containing asbestos, I am required to stop work, isolate the area, and notify the owner, then stabilize, secure, and characterize the area. We do no testing or removal of asbestos because we are not licensed to do so. Therefore, many parts of Rule 1403 do not apply to us. What is the demolition contractor's responsibility in this case?**

While the majority of Rule 1403 relates to asbestos abatement, demolition contractors are responsible for reviewing the survey and ensuring that no remaining Asbestos-Containing Material (ACM) are on-site prior to beginning demolition. Also, if demolition activities uncover previously unknown suspect ACM, they are required to stop, secure the site, stabilize the suspect ACM (plastic cover weighted down or other measures to ensure that it does not become more disturbed), and notify the property owner that newly discovered suspect ACM must be assessed by a Certified individual. In addition, there are other rules (Rule 403 – Fugitive Dust, etc.) with which the demolition contractor must comply.

## 1.3 Owners

### **Are homeowners required to file a Notification Form for a demolition project?**

Yes, but only when the homeowner is performing the house demolition work themselves and has not hired\* a contractor.

NOTE: An asbestos survey report and asbestos removal is required prior to any demolition and other Rule 1403 requirements may apply.

\*Whenever a contractor participates in the demolition work, the contractor must submit a Demolition Notification.

### **For renovations, are homeowners exempt from all or part of Rule 1403?**

There is an exemption that applies only to the legal owner of the single unit family dwelling (house) who is a permanent resident of this house and is personally performing this house renovation themselves (not employing a contractor or laborer, and not being helped by friends, family or anyone else). See Rule 1403 (j)(9).

There are no exemptions for owners of condominiums, townhouses, or apartments.

NOTE: Other Rule 1403 requirements may apply.

### **I am a homeowner renovating my house; can I remove the asbestos myself from my house?**

Yes, but only if you are the legal owner and a resident of this house (single unit family dwelling), and you are personally performing the asbestos removal (not

employing a contractor or laborer, and not being helped by friends, family or anyone else). See Rule 1403 (j)(9).

There are no exemptions for owners of condominiums, townhouses, or apartments.

Due to health hazards and hazardous waste disposal requirements, the South Coast AQMD does not recommend that homeowners remove asbestos.

NOTE: Rule 1403(f) requirements apply for asbestos waste disposal.

**As a homeowner, can I hand carry my Notification to the South Coast AQMD?**

Homeowners may mail in or drop off their Notification in the inbox labeled “Asbestos Notifications” located at the cashier’s window in the lobby at South Coast AQMD’s Diamond Bar Headquarters, 21865 Copley Dr., Diamond Bar, CA 91765.

**As a homeowner, if I want to mail the Notification, where do I send my completed Notification form?**

For demolition projects by owners of single-family residences only:  
South Coast AQMD  
P.O. Box #55641  
Los Angeles, CA 90074-5641

NOTE: Keep copies of your Notification Form for your records, to post at the site, and to obtain a city demolition permit. See California Health and Safety Code 19827.5 and Rule 1403(d)(1)(H).

**Can owner-occupants write an authorization letter to presume materials in their home are ACM, indicating they are authorizing materials to be treated as ACM?**

No, the property owner may instruct the asbestos consultant who conducts the survey, or the CAC who prepares the survey report, to assume or presume that the

material(s) to be abated are Asbestos-Containing Material (ACM) greater than 1% and subject to Rule 1403.

## **1.4 Asbestos-Related Complaints and Rule Enforcement**

**How does the South Coast AQMD respond to activities that aren't notified?  
If I see suspicious renovation/demolition activity, who do I contact?**

If you are concerned with possible asbestos-related hazards as a result of a renovation, remodeling, asbestos removal or demolition activity of a structure, you can file a complaint using the South Coast AQMD's online Complaints system or by contacting the South Coast AQMD at 1-800-CUT-SMOG. All complaints are assigned and promptly investigated by field inspectors. Follow-up contact is made by the investigating inspector upon completion of the complaint investigation if the complainant leaves a contact number.

While out in the field or responding to a complaint, an inspector can investigate demolition or asbestos removal activities subject to the federal asbestos NESHAP and provisions of Rule 1403, whether they have been properly notified or not. The South Coast AQMD looks to the public to alert inspectors to suspicious demolition or renovation activity.

**When can I expect an inspector at my site; before, during, or after abatement/demolition?**

An inspector may visit your site any time before, during, and/or after renovation/demolition/completion. Inspectors verify compliance with asbestos removal procedures, and confirm that the asbestos was removed prior to demolition or renovation.

## **2. DEFINITIONS**

**What is a demolition?**



Rule 1403 defines a demolition as the wrecking, or taking out, of any load-supporting structural member, including, but not limited to, the foundation, roof support structures, or any exterior wall of a facility or structure and related handling operations, or the intentional burning of any facility. This means that if you remove as little as one (1) two-by-four from a load-bearing wall, it is considered a demolition. Other examples of load-bearing members include foundation, slab, rafters, porch pillars, etc.

### **What is a renovation?**

Rule 1403 defines renovation as the altering of a facility or the removing or stripping of one or more facility (structure) components in any way, including but not limited to, the stripping or removal of ACM from facility components, retrofitting for fire protection, and the installation or removal HVAC systems.

### **Would a water distribution system be considered an “installation” per the definition in Rule 1403?**

The water distribution system is a Facility Component, which is defined in Rule 1403 as “any part of a facility including foundations and or utility/commodity pipelines.”

### **Does Rule 1403 require abatement of all nonfriable asbestos-containing material (ACM), including Class II nonfriable ACM? According to the NESHAP, materials classified as Class II or Category II nonfriable ACM can neither become friable when dry nor are they expected to become friable as a result of demolition or renovation activities.**

Yes, Rule 1403 regulates the abatement of all friable and nonfriable ACM. The NESHAP does not have a Class I or Class II nonfriable ACM. Rather, the NESHAP discusses Category I and Category II nonfriable materials. The definitions are not synonymous. The NESHAP defines and includes Category II nonfriable ACM as part of the definition for regulated ACM. The South Coast AQMD identifies materials that would be considered Category II nonfriable, such as transite, pipe and asbestos cement products, plaster, and stucco, to be Class I nonfriable. The South Coast AQMD has not encountered nonfriable ACM that

does not have the potential to be broken, crumbled, pulverized, or reduced to powder in the course of demolition or renovation activities.

**Many utilities use hand tools such as scrapers and drills during wet method ACM removal on pipes. Is the use of hand tools such as scrapers and drills used during wet method removal interpreted as “mechanical force” per Rule 1403 (c)(9)?**

The portion of the definition referred to provides a list of activities that may cause a material to be broken, crumbled, pulverized, or reduced to powder which includes physical wear and disturbance by mechanical force. In this case, scraping and drilling are mechanical forces that may cause a material to be broken, crumbled, pulverized, or reduced to powder. Nothing in the section that defines Procedure 3 – Adequate Wetting prohibits mechanical force. Only power tools are prohibited for use under Procedure 3.

### **3. REQUIREMENTS FOR DEMOLITION/RENOVATION ACTIVITIES**

#### **3.1 Survey**

##### 3.1.1 Is a survey required?

**Do I need to have an asbestos survey prior to any demolition or renovation?**

Yes. An asbestos survey report signed by an asbestos consultant is required prior to any demolition or renovation. See Rule 1403(d)(1)(A).

The only exception to the survey requirement is renovation activity of residential single unit dwellings (houses) in which less than 100 square feet of surface area of intact (not damaged) material is removed or stripped. See Rule 1403(j)(10).

**Do I need to have an asbestos survey before I send a Notification to the South Coast AQMD?**

Yes. An asbestos survey report signed by an asbestos consultant is required prior to any demolition or renovation. See Rule 1403 (d)(1)(A).

**For a building that’s going to be fully demolished, a comprehensive survey is required. Is a limited survey for one unit in an apartment complex sufficient**

**in order to conduct demolition for the other units in the apartment complex, assuming that the other units were built with the same materials?**

No, a thorough pre-demolition survey of the apartment complex is required prior to a demolition. All homogenous-suspect materials must be either sampled to determine the asbestos content or assumed to be ACM subject to Rule 1403. The only person that can assume a material is Asbestos-Containing Material (ACM) subject to Rule 1403 is the Certified Asbestos Consultant (CAC) or Certified Site Surveillance Technician (CSST). If the property owner wishes to forgo the costs of sampling and analysis, they may direct the CAC or CSST to assume materials are ACM subject to Rule 1403 based on the sampling of a single unit. However, all homogenous-suspect materials throughout the building must be addressed, and nothing can be assumed to not contain asbestos.

**Is a facility survey by an asbestos consultant required on components of a pipeline network where the owner/operator already knows the material of which the pipe components are made?**

Yes, a facility survey is required. Rule 1403 requires that the affected facility or facility components shall be thoroughly surveyed for the presence of asbestos prior to any demolition or renovation activity. The facility or property owner may instruct the Certified Asbestos Consultant (CAC) or Certified Site Surveillance Technician (CSST) who conducts the survey, or the CAC who prepares the survey report, to assume or presume that the material(s) to be abated are Asbestos-Containing Material greater than 1% and subject to Rule 1403.

**Is a survey still required when minor repairs are going to be made to a water distribution system?**

Yes, a survey is still required. Rule 1403 requires that affected facility or facility components shall be thoroughly surveyed for the presence of asbestos prior to any demolition or renovation activity. The facility or property owner may instruct the Certified Asbestos Consultant (CAC) or Certified Site Surveillance Technician (CSST) who conducts the survey, or the CAC who prepares the survey report, to assume or presume that the material(s) to be abated are Asbestos-Containing Material greater than 1% and subject to Rule 1403.

**We have a Pre-Approved Procedure 4 or 5 plan, and we are assuming that all of the suspect material is asbestos. Do we need to have a site-specific survey for each project?**

Yes. Rule 1403 requires that affected facility or facility component(s) be thoroughly surveyed for the presence of asbestos by a Certified Asbestos

Consultant (CAC) or Certified Site Surveillance Technician (CSST) prior to any demolition or renovation activity. The survey shall include the inspection, identification, and quantification of all friable and Class I and Class II nonfriable asbestos-containing material, and any physical sampling of materials.

The exemption for assuming that a material is asbestos can only be exercised by a CAC or CSST, and that exemption only eliminates the requirement for a chain-of-custody with map, identification of the laboratory, statement of labs credentials, and summary of testing methods to identify or quantify any materials containing asbestos.

**My house was built in the 1980s or later and I know it has no asbestos; do I still have to have it surveyed?**

Yes. Regardless of the date of the building construction, and because of potential unknown renovations, Rule 1403(d)(1)(A) requires an asbestos survey report prior to demolition to determine and verify the absence or presence of asbestos.

**Is there an age where the South Coast AQMD wants surveys to be re-done? Do surveys expire?**

The South Coast AQMD does not have any information indicating that surveys “expire,” but the survey must reflect the current condition of the material. If the condition of any of the materials has changed (removed, damaged, disturbed, deteriorated, etc.), then, at a minimum, an update to the survey would be required. If the condition of any of the materials has not changed, then a new survey would not be required.

**Insurance testers say they will not do any testing on a property built after a specific date. Do I have to do a survey regardless of the age of the building?**

Yes, a survey is required regardless of the age of the building. There is no date when asbestos in building materials was banned.

**Twelve (12) samples were collected for analysis as part of a bidding process involving licensed contractors. Can those 12 samples count as a survey?**

If the twelve samples were collected by a Certified Asbestos Consultant (CAC) or Certified Site Surveillance Technician (CSST), they may be used as part of a survey but not as a survey. Only samples collected by certified persons, or those

in training to become a CSST under the direct supervision of a CAC, may collect samples in compliance with Rule 1403.

### 3.1.2 Is a survey update/revision required?

**I want to modify the roof of my house. Do I need to re-do the survey?**

No, as long as there has been no change in the material(s) or in the condition of the material(s) previously surveyed.

**If I am using a survey that was conducted 10 years ago that only had one (1) sample results, do I need to update my survey to include three (3) sample results?**

Previous surveys that show that only one sample was examined and that the test results for the sample show that the material contains more than 1% asbestos are still valid as long as they are revised to include a statement that the Certified Asbestos Consultant (CAC) or Certified Site Surveillance Technician (CSST) assumes, based on prior testing, that the material is ACM subject to Rule 1403. Similarly, previous surveys where a consultant has assumed or presumed suspect materials to be ACM regardless of the number of samples collected or examined are similarly still valid. Previous surveys that show that fewer than the required three (3) samples were collected, and that the test results show 1% or less asbestos may not meet current Rule 1403 requirements.

**Subclause (d)(1)(B)(v)(I) of Rule 1403 does not require a notification to be updated when the quantity of affected asbestos-containing material decreases or increases by less than 20%. Will this apply to ACM that was not initially included in the survey, provided that the clean-up procedure is not changed? Do I need to revise the survey and/or submit another notification when I find a material that was not included in the first survey?**

All materials that may be disturbed during a renovation or demolition must be surveyed for condition and the presence of asbestos. If new materials are found that were not surveyed, then those new materials must be surveyed. If those materials are determined to be Asbestos-Containing Material (ACM) and will be disturbed during the renovation or removed prior to demolition, then the Notification must be revised to include these materials.

### 3.1.3 Who can conduct a survey?

**If a building has been deemed asbestos-free by a registered engineer, does a Certified Asbestos Consultant (CAC) need to conduct a survey?**

**If I'm building a new building and I test the building materials before they are installed, is a CAC still required to conduct a survey after the new building is built?**

Yes, the South Coast AQMD requires a survey of all structures regardless of construction date or asbestos-free certification. In a letter dated August 15, 2016, the EPA stated that "a written stipulation is not a guarantee for compliance purposes," and "Labels or Material Safety Data Sheets (MSDS) are not required where asbestos fibers have been modified by a bonding agent, coating, binder, or other materials, if the manufacturer can demonstrate that during handling, storing, disposing, processing, or transporting no airborne concentrations of fibers of asbestos in excess of PEL [Permissible Exposure Limits] and/or EL [Excursion Limits] will be released or if asbestos is present in a product in a concentration of less than 1% percent."

**Is an inspection deeming a building non-asbestos-containing by a building architect or engineer acceptable for compliance with Rule 1403?**

No, only surveys conducted by a Certified Asbestos Consultant (CAC) or by a Certified Site Surveillance Technician (CSST) with a report signed by a CAC are acceptable for compliance with Rule 1403.

**Can a Certified Site Surveillance Technician (CSST) make the determination of asbestos content and condition, or presume or assume ACM?**

Yes, the Certified Site Surveillance Technician (CSST) is trained to be able to identify homogenous-suspect materials and can presume or assume a material is Asbestos-Containing Material (ACM) subject to Rule 1403.

**Can a facility owner treat suspect ACM as ACM and follow Rule 1403 requirements without hiring a CAC/CSST for surveying the facility?**

All materials that may be disturbed during a renovation or demolition must be surveyed for the presence of asbestos and asbestos condition by a Certified Asbestos Consultant (CAC) or Certified Site Surveillance Technician (CSST) prior to any demolition or renovation activity. The survey shall include the inspection, identification, and quantification of all friable and Class I and Class II nonfriable asbestos-containing material and any physical sampling of materials. Only a CAC or CSST can presume or assume a material is Asbestos-Containing Material (ACM) subject to Rule 1403 to be treated as such.

Survey requirements do not apply to an owner-occupant of a residential single-unit dwelling who resides at the property and solely and personally conducts a renovation activity at that dwelling. Survey requirements also do not apply to renovation activities of residential single-unit dwellings in which less than 100 square feet of surface area of ACM are removed or stripped.

**Is it acceptable for an employee who is a Cal/OSHA CAC or CSST to perform facility surveys for his/her employer, including signing Chains of Custody (COCs) and issuing survey reports for Rule 1403 compliance purpose?**

It is acceptable for a Certified Asbestos Consultant (CAC) or Certified Site Surveillance Technician (CSST) employed by the property owner to conduct the survey as long the survey report is signed by a CAC in accordance with subparagraph (d)(1)(A) in Rule 1403.

**If the size of a renovation is less than 100 square feet, why does the property owner still need to obtain a facility survey conducted by a CAC?**

A completed survey performed by a Certified Asbestos Consultant (CAC) or a Certified Site Surveillance Technician (CSST) is required because it ensures that 1) all suspect material that is going to be disturbed or removed in a project are properly assessed, and 2) the sampling requirements in the federal regulation are followed. It is necessary that a survey states who did the survey and contains an actual report or assessment. A laboratory report is not sufficient and does not allow reproducibility of a sample, nor will it indicate the condition of the suspect material prior to sampling or the quantity of homogeneous material assessed. Although a renovation less than 100 square feet is not notifiable unless it uses an approved Procedure 4 or 5 plan, an inspector can still be made aware of a project if a complaint were to be made about the project and inspect the project. If the inspector finds that there is no survey, the owner or operator will be found in noncompliance with Rule 1403.

#### 3.1.4 Required Information

**How detailed should the sketch be to be sufficient?**

The sketch of where samples were taken should contain sufficient detail so a compliance inspector can duplicate the sampling. A compliance inspector must be able to go to that exact location as indicated on the sketch, find the identified material, and collect his or her own sample for subsequent analysis.

**In a survey of a building which has drywall, will the South Coast AQMD look for sampling of all 3 layers? Maybe the lab does not separate the drywall, the lab does not see the layers, or the drywall sample does not have joint compound in it. Will the South Coast AQMD only accept a survey that has those 3 layers?**

Yes, surveys are reviewed to determine if all building materials with the potential to contain asbestos are sampled. South Coast AQMD staff know that wall systems traditionally include wall board/joint compound/tape or wall board/plaster or button board/plaster, etc., and expect to see these material combinations represented in the chain of custody and/or laboratory results.

With that said, the asbestos consultant as defined in the rule is trained and experienced in collecting samples of materials that are representative of the building materials that are going to be disturbed or removed during renovation. If the CAC reports that the drywall does not have joint compound to begin with, then the layers will not include joint compound. This is one of the reasons for the South Coast AQMD to have inspectors, in order to visit sites and make their observations to make sure the materials in the building were properly surveyed.

**How many samples of miscellaneous material or nonfriable suspected material must be taken to determine if the material is asbestos-containing material (ACM)? 40 CFR part 763.86(c) states that “in a manner sufficient to determine whether material is ACM or not ACM...” the inspector may use their discretion.**

When Rule 1403 was adopted, it referenced 40 CFR 763.107 for bulk sampling. At that time, 40 CFR 763.107 only discussed one sampling requirement, and that was “...three samples be taken in each sampling area...”. The Code of Federal Regulations has since been revised, but the intent of the original Rule was clear that a minimum of three samples is necessary to determine the asbestos content of the suspect building materials.

And while the new sampling section of the NESHAP, 40 CFR 763.86(c) & (d) [Miscellaneous and Non-friable, respectively], does state that, for each homogeneous area, “...in a manner sufficient to determine whether the material is ACM or not ACM, bulk samples...” shall be collected, what the NESHAP does not state is to WHOM the manner is sufficient to determine whether the material is ACM or not ACM. The South Coast AQMD has determined that fewer than three bulk samples of each homogeneous material is not sufficient to determine whether a material is ACM or not ACM.



## **3.2 Notification**

### **3.2.1 General Information**

#### **Who should fill out the Notification?**

#### **Who needs to file the Asbestos Removal or Demolition Notification?**

The Contractor(s) that will remove asbestos and/or demolish the building. Contractors are required to use the Rule 1403 Asbestos Notifications Web Application to submit Notifications for asbestos removal and/or demolition.

#### **Who is allowed to submit an asbestos notification?**

The contractor doing the renovation or demolition is responsible for submitting the notification. This can include employee(s) of the contractor (e.g. office worker), but not individuals or groups hired outside of the contractor company. If the property owner decides to hire a new contractor during the 14-day notification period, the property owner is then subject to another 14-day notification period with the new contractor before renovation or demolition can start. If a facility has its own individual or group that will be doing the renovation or demolition, then the facility can submit the notification. A property owner who resides at a single-family dwelling as an owner-occupant, and solely and personally conducts a demolition at that dwelling, can submit a notification.

#### **Are there due dates for the Notification and fee?**

Notifications and associated fees are due 10 working days (or 14 calendar days) before work starts (except for emergencies or Ordered Demolitions as defined in Rule 1403).

#### **How is the Notification fee determined?**

Notification fees are determined by the size of the project in square feet (see [Fee Information](#)). Removals require fees based on the amount of asbestos to be removed. Demolitions require fees based on the size of the structure, or portion of the structure, being demolished.

#### **What are the Notification fees and where do I find them?**

Fees are specified in South Coast AQMD Rule 301. They are usually updated annually effective July 1. A summary of fee requirements is provided at Fee Information.

**Can I submit my Notification without fees?**

Notifications submitted without appropriate fees are deemed incomplete and will be returned to sender and referred to the Toxics and Waste Management Compliance Unit for investigation. See Rule 301(o) Asbestos Fees.

**Notifications have to be submitted by the person performing the renovation or demolition. If that is the case, then this would effectively preclude the property owner from completing and submitting the notification. Will the property owner be civilly liable for the notification if the contractor makes a mistake on the notification?**

The contractor doing the renovation or demolition is responsible for submitting the notification because the contractor must provide an on-site supervisor that has the required training to be able to identify material that is suspected of containing asbestos and was not previously identified in the survey, in accordance with subparagraph (d)(1)(G) of Rule 1403. The property owner would not be able to do that. The South Coast AQMD expects the property owner to be involved in all aspects of the notification so that all their concerns are addressed by the contractor submitting the notification. The property owner should have oversight over the notification submission process so that all information submitted is correct. The property owner is responsible for everything that occurs on their property, including the facility survey. Rule 1403 applies to property owners and contractors. Any notices of violation that are issued are subject to review by our Legal Department, and the property owner's degree of culpability will be taken into account.

**Because of unforeseen or emergency events and schedule changes, facilities must be able to submit notifications at any time.**

All notifications are now submitted electronically via the Rule 1403 Notification Web Application (Web App). Server data backup and maintenance requires that the Web App be unavailable on the last Friday of the month between 6:00 pm and 1:00 am.

**I am a homeowner conducting my own demolition, where do I send my completed Notification form?**

South Coast AQMD  
P.O. Box #55641  
Los Angeles, CA 90074-5641

NOTE: Keep copies of your Notification Form for your record, to post at the site, and to obtain a city demolition permit. See California Health and Safety Code 19827.5 and Rule 1403(d)(1)(H).

**I am a homeowner conducting my own demolition, can I hand carry my Notification to South Coast AQMD?**

South Coast AQMD strongly recommends that you mail the Notifications to save time, money, reduce traffic and air pollution. However, you can drop the Notification in the inbox labeled “Asbestos Notifications” located at the cashier’s window in the lobby at South Coast AQMD’S Diamond Bar Headquarters.

**Are there exceptions to the Notification requirement?**

Yes, but only for asbestos removal Notifications.

No Notifications are required for:

- Asbestos removals of less than 100 square feet of intact (not damaged) material.\*
- Renovations with no asbestos, or asbestos content less than or equal to 1%.
- Renovations by owner-occupants of single-family residences

Renovation is defined in Rule 1403 (c)(38) and includes altering, retrofitting or remodeling a building in any way.

\* NOTE: Other Rule 1403 requirements such as emissions controls, annual Notification, and recordkeeping apply.

**Does the public have access to notifications that were submitted to the South Coast AQMD? How do I request records of notifications that have been submitted?**

Notifications are public documents and can be requested through the South Coast AQMD Public Records Request program at <http://www.aqmd.gov/nav/online-services/public-records>.

**Can facility owners access the notifications web system to view notifications abatement contractors submitted for them?**

Currently, only the individual or group that submitted the notification, i.e., the contractor doing the renovation or demolition work, has access to submitted notifications in the Rule 1403 Notification Web Application. To request records of notification, please visit our Public Records page at <http://www.aqmd.gov/nav/online-services/public-records>.

**3.2.2 Is a notification required?**

**Do I need to notify the South Coast AQMD if I am doing building partition demolition?**

Demolition of non-load bearing members (or soft demo), and/or removal of asbestos-free building partitions, do not require Notification. Renovations without asbestos do not require Notification. See Rule 1403(d)(1)(A) survey requirement.

**Do I have to notify for a demolition if there is no asbestos?**

Yes. All demolitions require Notification to allow inspection and confirmation that there is no asbestos present in the building prior to demolition. See Rule 1403(d)(1)(B).

**Do I have to notify for a demolition if I “know” or believe there is no asbestos?**

Yes. Although you may think the structure is asbestos-free, Rule 1403(d)(1)(A) requires an asbestos survey report, regardless of the structure age, prior to demolition to determine and verify the absence or presence of asbestos.

**I am performing work in which less than 100 square feet of surface area of ACM are being removed or stripped. During the work, I find that more area**

**has to be worked on, now making the surface area of ACM to be removed or stripped meet or exceed 100 square feet. Is a notification required?**

If a project that began as one that was less than 100 square feet develops into one that is greater than 100 square feet, a notification is required. Due to the rarity of this type of situation and the fact that the Start Date for the project is in the past, these notifications must be entered and maintained by South Coast AQMD staff. Please contact South Coast AQMD staff at the Asbestos Hotline (909) 396-2336 for guidance. If these types of notifications become more common, a software solution may be contemplated.

### 3.2.3 Rule 1403 Notification Web Application

**If the Rule 1403 Notification Web Application is unavailable during regular business hours, how do I submit a notification?**

If the Rule 1403 Notification Web Application is unavailable during regular South Coast AQMD business hours (Tuesday through Friday, 7 am to 5:30 pm), contact South Coast AQMD staff at the Asbestos Hotline (909) 396-2336 for guidance.

**Do I have to submit one notification per USPS address, or can I submit one notification for one project that has multiple addresses, e.g., a building that is shared by multiple businesses?**

For renovations or demolitions at multiple contiguous (sharing a wall or property line) addresses all owned by the same property owner, a single notification is allowed. To complete the notification for multiple contiguous addresses all owned by the same property owner, use one address associated with the project as the **Site Address** and include the other addresses in the **Describe Work Location** field of the notification. If the list is too long for the **Describe Work Location** field of the notification, upload a document with the list of contiguous addresses at the **Document Upload** portion of the notification in the Rule 1403 Notification Web Application.

**Does the South Coast AQMD always classify Drywall as friable? When processing a notification, the system already generates it as friable and there is no option to choose nonfriable. We dispose of the waste as nonfriable; is this something we can get cited for? Will you be able to add Drywall (nonfriable) to the notification?**

For the purposes of notification that the material will be removed during a renovation, drywall is considered friable because it cannot be removed as a unit. It has to be torn out to be removed and that makes the material friable.

### 3.2.4 Time Schedule

**What's the purpose of the 10 work day waiting period?**

**Why do I have to wait 10 work days?**

Notifications are required to be submitted 10 working-days (14 calendar-days) prior to demolition or renovation in order to provide sufficient time to allow an inspector to include an inspection of the site in their schedule if they see a need.

**Is there any way I can do the demolition before the 10 work days have elapsed?**

Government Agency-ordered demolitions with proof of a written order, an asbestos survey report, and confirmation that all the asbestos was removed, may be allowed to submit an Ordered Demolition Notification through the Rule 1403 Asbestos Notifications Web Application and are not required to wait 10 work-days.

**We have a Pre-Approved Procedure 4 or 5 plan; are we still subject to the 10 working day waiting period before we can abate the asbestos-containing material?**

Yes. The 10 working day (or 14 calendar day) waiting period can only be waived in the case of an emergency.

Rule 1403 defines an emergency as a sudden unexpected event that results in unsafe condition, or would cause equipment damage or an unreasonable financial burden. An economic burden alone, without a sudden, unexpected event, does not give rise to conditions that meet this definition.

**Can the South Coast AQMD clarify when the last date of the notification is? Is it the last day of when teardown is complete, or, if**

**later, the last day when all ACM is removed from the site? Wouldn't that be after the end date?**

The End Date for renovation activities is whichever comes later, the last day when teardown is complete or the last day when all accumulated asbestos-containing waste material (ACWM) is removed from the project site. EPA requires that an asbestos notification include the dates of the entire operation, which entails the start date when the renovation activity has the potential to first disturb the asbestos-containing building material and the end date when all waste materials have been removed from the project site. The End Date provided on the notification to be submitted to the South Coast AQMD should include the last day when teardown is complete and the last day when all ACM is removed from the project site.

Although many projects plan for and incorporate the period for air clearance after abatement, Rule 1403 neither addresses air clearance nor does it specifically require it. For an active notification where renovation has completed but is still awaiting air clearance and waste transport, it is acceptable for asbestos-containing material to still be on-site but no renovation activity is occurring.

### 3.2.5 Changes and Updates

**Rule 1403 does not require a notification to be updated when ACM quantity is increased by more than 20% as long as the ACM is already included in an approved Procedure 5 work plan. Is this correct?**

This is incorrect. Rule 1403 does require that notifications be updated when there is "a change in the quantity of affected asbestos of 20 percent or more from the notified amount."

**If the abatement is completed before the end date, how soon must the end date be revised on the notification?**

In the event that a renovation or demolition is completed ahead of schedule, the South Coast AQMD shall be notified by providing a notification update in the Rule 1403 Notification Web Application as soon as possible, but no later than the following day.

**How do we make changes to the information that is not the start date, end date, or quantity of asbestos-containing material on a notification?**

You can send notification updates to [Rule1403Notifications@aqmd.gov](mailto:Rule1403Notifications@aqmd.gov). In the subject of the email, include the notification number and the address for the project. Put the information that is being changed in the body of the email. This information will be uploaded to the South Coast AQMD document database which includes the notification copy-of-record. If the site address or contractor changes, a new notification is required.

**Are changes or updates to the schedule of work on a notification subject to a fee?**

No, no fee for a change to work schedule is required at this time.

**Who can notify the South Coast AQMD about changes to a notification?**

Any employee of the company that submitted the notification, who is authorized by the company to submit notifications and is registered to submit notifications through the Rule 1403 Notification Web Application, is authorized to submit emails modifying those notifications.

3.2.6 Emergency Demolition/Renovation

**What is the difference between an emergency renovation and a nonscheduled renovation operation in a planned renovation?**

An emergency renovation is not planned and results from a sudden, unexpected event that causes unsafe conditions, whereas a nonscheduled renovation operation is an individual event that cannot be precisely predicted as to their specific nature and time of occurrence, but, based on experience, will occur. Although the exact date and location of the nonscheduled renovation cannot be predicted, it can be anticipated as a matter of routine based on experience. An emergency renovation cannot be predicted and is performed as a consequence of a sudden, unexpected event that causes a public health or safety threat.

**My facility deals with failure of pipes, etc. that call for unscheduled, unpredicted renovations. These renovations are often outside of our facilities and can occur 100 miles away from each other. Can these unscheduled, unpredicted renovations qualify for emergency notification, or are they covered by an annual notification for planned renovation activities?**



The Planned Renovation (Annual Notification) is only for a renovation operation, or a number of such operations, in which the amount of ACM that will be removed or stripped within a given period of time can be predicted. Unpredictable renovations do not belong in this category. Failures of pipelines may be considered emergency renovations if a sudden unexpected event is the cause of the failure.

**Does the South Coast AQMD notify contractors of the approval status of their emergency notifications that are not Procedure 5 notifications?**

When South Coast AQMD staff becomes aware of an emergency letter that does not satisfy the requirements of Rule 1403, they do make the contractor aware, but, with the exception of Procedure 4 (Dry Removal) or Procedure 5 (Approved Alternative) notifications, not all notifications are reviewed by South Coast AQMD staff. Improper notification that does not comply with Rule 1403(d)(1)(B) requirements may result in enforcement action.

**How do I obtain approval for an emergency notification requiring a Procedure 4 or Procedure 5 plan during weekends and after hours?**

For after-hours or weekend review of significant emergencies posing an imminent threat to public health and safety, the contractor can call the 24-hour Complaint Hotline, 1-800-CUT-SMOG, and leave a message requesting that an asbestos supervisor review an emergency Procedure 4 (Dry Removal) or Procedure 5 (Approved Alternative) notification. There is a standby supervisor monitoring these messages, and staff are available to review Procedure 4 or 5 plans after hours.

**We are planning to remove some exterior stucco from a school building. The survey shows that what we are removing is less than 100 square feet and does not require a notification. We start the project and discover that there's termite damage. Now we have to change our scope of work, the surface area of renovation is going to exceed 100 square feet, and we are already halfway into the project. What kind of notification do we need to file and when? How do we prevent the impact on school operations, still make the proper notification, and continue with our work?**

If a project that began as one that was less than 100 square feet of renovation develops into one that is greater than 100 square feet, a notification is required. Due to the rarity of this type of situation and the fact that the Start Date for the project is in the past, these notifications must be entered and maintained by South Coast AQMD staff. Please contact South Coast AQMD staff at the Asbestos Hotline (909) 396-2336 for guidance. If these types of notifications become more common, a software solution may be contemplated. These types of projects are not considered emergencies, so no emergency letter would be required. A letter

from the property owner outlining the change in scope of the project may be required (please consult with Compliance staff).

### 3.2.7 Underground Pipe

**I want to submit a notification that goes for an extended period of time (e.g. a month) and involves removal of transite pipe. How do I address in the notification the situation where during the notification period, additional transite pipe that was buried and could not be immediately identified, may be found?**

Rule 1403 provides for the updating (revision) of notifications for changes in Start Date, End Date and Quantity.

**My facility has been notified of a third party excavating near one of our pipelines. The third party accidentally damaged the pipe coating, and the damage is under 100 square feet surface area. Is this activity exempt from notification? Would this event be considered an “unplanned renovation,” and the contractor can assume it is ACM which would require stabilization and proper disposal?**

The activity described would not be covered by the 100 square foot exemption in Rule 1403(j)(1). Any damaged or disturbed asbestos-containing material (ACM) is subject to Rule 1403. If there is no disturbance or damage to the suspected material, then removing less than 100 square feet of ACM is allowed without notification, but once it is damaged, then you must notify and handle in accordance with Rule 1403. In addition, no contractor may presume or assume ACM. Only a Certified Asbestos Consultant (CAC) or Certified Site Surveillance Technician (CSST) can presume or assume a material is ACM subject to Rule 1403 to be treated as such.

If any suspected ACM is damaged, regardless of size, then all activity must cease, the site secured and stabilized, and a CAC must assess the damage and survey the site for the presence and condition of ACM and asbestos-contaminated materials. Once the CAC's assessment is completed, then notification must occur and an approved Procedure 5 plan be obtained prior to any asbestos clean-up.

## **3.3 Asbestos Removal**

**Do I have to remove nonfriable asbestos before I can demolish a building?**

Yes. All of the asbestos-containing material greater than 1% must be removed prior to demolition to prevent nonfriable materials being rendered friable during the demolition. See Rule 1403(d)(1)(C).

### **How do I obtain a Procedure 5 pre-approval?**

To obtain a pre-approved Procedure 5 (Approved Alternative) plan, submit the Procedure 5 plan through the Rule 1403 Notification Web Application.

After South Coast AQMD staff review and approval, the pre-approved Procedure 5 plan is valid for 12 months for use at the facility designated by the plan by the submitting facility or contractor.

### **Can a pre-approved Procedure 5 clean-up plan be applied to removal of friable asbestos-containing material?**

No, it is not acceptable to apply a pre-approved Procedure 5 plan to a clean-up of asbestos-containing material (ACM) that is friable or has been made friable. Any clean-up or removal of friable ACM requires a notification to be submitted to the South Coast AQMD with a Procedure 4 (Dry Removal) or Procedure 5 (Approved Alternative) plan for review and approval prior to the start of any clean-up activity.

### **Is a pre-approved Procedure 5 plan just facility-specific, or could one pre-approved Procedure 5 apply to one contractor doing the work?**

The pre-approved Procedure 5 clean-up plan is facility-, contractor-, and consultant company-specific. The facility contracts with a consultant company to have an asbestos consultant as defined in the rule prepare a generic clean-up plan that addresses one or more type(s) of Asbestos-Containing Material (ACM) that the facility anticipates having to abate within the coming 12 months. The CAC often includes their company as oversight, and for this reason, no other consultant company may use the clean-up plan. Once the generic clean-up plan has been prepared, the facility contracts with an abatement company to submit the generic plan for review and approval. Once the plan is reviewed and approved, the pre-approved Procedure 5 clean-up plan is approved for use at that facility by that abatement contractor.

**Rule 1403 does not require a notification to be updated when ACM quantity is increased by more than 20% as long as the ACM is already included in an approved Procedure 5 work plan. Is this correct?**

This is incorrect. Rule 1403 does require that notifications be updated when there is “a change in the quantity of affected asbestos of 20 percent or more from the notified amount.”

Newly discovered damaged materials, different from the homogenous materials addressed in the Approved Procedure 5 cleanup plan, require a new notification and cleanup plan.

**How detailed or what specific information does the Procedure 5 must have to make it acceptable?**

An approved alternative Procedure 5 clean-up plan must address all of the existing requirements of Rule 1403, while also providing detailed instructions on what must be done to address damaged or disturbed Asbestos-Containing Material.

**There is no language in Rule 1403 that explains how a contractor can avoid triggering a Procedure 5. We run into emergency plumbing situations all the time that require us to remove drywall quickly to repair a pipe. It seems that some CACs will call the cut a Procedure 5 and some will not.**

A contractor can avoid “triggering” a Procedure 5 clean-up by not disturbing or damaging suspect Asbestos-Containing-Material outside of containment under negative pressure. An asbestos consultant as defined in the rule that does not require a Procedure 4 (Dry Removal) or Procedure 5 (Approved Alternative) for ACM that they assess as damaged or disturbed is not in compliance with Rule 1403.

**Does the South Coast AQMD allow a Procedure 5 plan be pre-approved and valid for more than a year? My facility handles ACM coating on pipelines that does not change from site to site or year to year. Having a pre-approved Procedure 5 plan that is valid for use for more than a year would decrease the administrative time and effort but still maintain the same level of compliance and safety.**

Very often, a Procedure 5 plan is submitted for pre-approval with no changes from a prior pre-approved plan. Periodic review and renewal ensures that a pre-approved plan still addresses all Rule 1403 requirements.

**Cal/OSHA’s 16-hour Operations and Maintenance course enables a worker to perform Cal/OSHA Class III (Maintenance and Repair) and Class IV (Custodial Clean-Up) asbestos-related work with proper personal protection equipment. Does the District have the same policy if the impact is less than 100 square feet and neither a Procedure 4 nor Procedure 5 is used?**

Rule 1403 provides an exemption from parts of the rule for projects that are less than 100 square feet of intact material, but this exemption does not include Planned Renovation activities (please see the definitions for Planned Renovation and Nonscheduled Renovation Operation in the Rule). The parts of Rule 1403 that do not apply to projects less than 100 square feet of intact material are the requirement to notify and the requirement that abatement personnel have the training outlined in subsection (i) Training Requirements. For projects less than 100 square feet of intact material, the Cal/OSHA training requirements control.

### **3.4 Asbestos Disposal**

**Does the South Coast AQMD always classify Drywall as friable? When processing a notification the system already generates it as friable and there is no option to choose non-friable. We dispose of the waste as non-friable. Is this something we can get cited for? Will you be able to add Drywall (nonfriable) to the notification?**

Yes, for the purposes of notification that the material will be removed during a renovation, drywall is considered friable because it cannot be removed as a unit, it has to be torn out to be removed and that makes the material friable. Rule 1403 requires that all asbestos-containing waste material be disposed at a landfill permitted to accept asbestos waste.

### **3.5 Emergency Situations**

#### 3.5.1 General Procedures

**Having to prepare and file paperwork for a Procedure 5 notification to submit to the South Coast AQMD delays a clean-up in emergency situations. OSHA requires that a clean-up occurs as soon as possible. How does the South Coast AQMD address the conflict?**

According to Robert Olson, Associate Safety Engineer, Cal/OSHA Asbestos and Carcinogen Control Units, “In the case of a spill or other uncontrolled release of asbestos fibers, what Cal/OSHA requires “ASAP,” is that a regulated area be established, access limited to those persons cleaning up the spill/debris, and

effective measures that prevent migration of asbestos fibers out of the regulated area and into adjacent areas where employees may be exposed.” This is similar to what is referred to in Rule 1403 as “secure and stabilize.”

**In an event of an emergency, can a pre-approved Procedure 5 plan be applied to multiple locations that are under the same contractor without having to complete and submit a pre-approved plan for each location?**

No, every site specific Procedure 4 or 5 Notification must be reviewed and approved prior to the start of activities.

The Pre-Approved Procedure 4 (Dry Removal) or Procedure 5 (Approved Alternative) clean-up plan is a non-site-specific generic clean-up plan that describes the potential abatement of a specific type, or types, of Asbestos Containing Material (ACM). Once this generic plan has been approved, it can be submitted as the clean-up plan when that type of ACM is encountered. Along with the clean-up plan, a survey and the site-specific Notification are required.

### 3.5.2 Hazardous Scenarios

**My house is on fire. Do I need to submit a notification before the fire department arrives to put out the fire?**

**A pipe has burst in the wall and water is flooding throughout my house. Do I need to submit a notification before the plumber opens up the wall to repair the pipe?**

**We have discovered an underground pipe that is leaking. Do we need to submit a notification prior to addressing the leak?**

No, no notification is required prior to addressing a hazardous situation that is currently happening. Once the immediate hazard has been addressed, the site must be secured, stabilized, and surveyed for the presence and condition of asbestos-containing and asbestos-contaminated materials. If asbestos-containing materials have been disturbed or damaged as a result of, or as part of the response to, the hazardous situation, a Procedure 5 (Approved Alternative) clean-up plan must be submitted and approved prior to asbestos clean-up.

**An unintentional fire happens, and it leaves parts of the building, e.g., a wall, part of a roof, intact. When do you have to treat the remaining structure(s) as ACM? When you knock down a remaining wall, is that a demolition?**

When the site is to be addressed, it must be inspected by a Certified Asbestos Consultant (CAC) or Certified Site Surveillance Technician (CSST). All materials must be assessed and their asbestos content determined in accordance with Rule 1403 and NESHAP. If Asbestos-Containing Materials (ACM) have been disturbed, then the CAC who prepares the survey report would recommend a Procedure 4 (Dry Removal) or Procedure 5 (Approved Alternative) clean-up, which must be reviewed and approved by the South Coast AQMD. If no ACM or Asbestos-Containing Waste Material (ACWM) is found during the survey or after the ACM and/ACWM is abated, a demolition notification is required if one or more load-bearing members will be wrecked or removed. As the remaining walls once held up the roof, or any remaining foundation once held up a wall, a notification is required for the demolition.

**What are the procedures for treating ACM when an emergency event like a rainstorm or natural disaster happens in the middle of a renovation or demolition activity?**

If an emergency occurs, like a rainstorm or natural disaster, the first priority to be considered is safety. To the extent that it is feasible, keeping safety in mind, the site should be secured and stabilized to prevent disturbance, or further disturbance, of the Asbestos-Containing Material (ACM). Once the emergency has passed and it is safe to do so, a determination must be made regarding whether or not the emergency event caused damage or disturbance, or further damage or disturbance, to the ACM, which requires a reassessment by a Certified Asbestos Consultant or Certified Site Surveillance Technician.

**In the event of an emergency or catastrophe, where there is immediate risk to public health and safety, what are the proper procedures to conduct activities, including how to obtain approval for a Procedure 4 or 5 clean-up plan for emergency notifications?**

For review during South Coast AQMD business hours (Tuesday through Friday, 7 am through 5:30 pm) for Procedure 4 (Dry Removal) or Procedure 5 (Approved Alternative) Notifications for disturbed Asbestos Containing Material (ACM) posing an imminent threat to public health and safety, please call the Asbestos Hotline at (909) 396-2336 and ask for a supervisor to review an emergency Procedure 4 or 5 plan.

For after-hours or weekend review of Procedure 4 or 5 Notifications for disturbed Asbestos Containing Material posing an imminent threat to public health and safety, the contractor should call the 24-hour Complaint Hotline, 1-800-CUT-SMOG, and leave a message requesting that an asbestos supervisor review an emergency Procedure 4 or 5 Notification. There is a standby supervisor monitoring these messages, and staff are available to review Procedure 4 or 5 plans after hours.

### 3.5.3 Non-Hazardous Scenarios

**We are planning to remove some exterior stucco from a school building. The survey shows that what we are removing is less than 100 square feet and does not require a notification. We start the project and discover that there's termite damage. Now we have to change our scope of work, the surface area of renovation is going to exceed 100 square feet, and we are already halfway into the project. What kind of notification do we need to file and when? How do we prevent the impact on school operations, still make the proper notification, and continue with our work?**

If a project that began as one that was less than 100 square feet of renovation develops into one that is greater than 100 square feet, a notification is required. Due to the rarity of this type of situation and the fact that the Start Date for the project is in the past, these notifications must be entered and maintained by South Coast AQMD staff. Please contact South Coast AQMD staff at the Asbestos Hotline (909) 396-2336 for guidance. If these types of notifications become more common, a software solution may be contemplated. These types of projects are not considered emergencies, so no emergency letter would be required. A letter from the property owner outlining the change in scope of the project may be required (please consult with Compliance staff).

## **3.6 Underground Pipe**

### 3.6.1 Survey

**What is the environmental benefit for requiring an above-ground survey for subterranean material that is going to be abated?**

The asbestos NESHAP requires that prior to the commencement of the demolition or renovation, a thorough inspection be conducted of the affected facility or part of the facility where the demolition or renovation activity will occur for the presence of asbestos, including Category I and Category II nonfriable asbestos-



containing material. The asbestos consultant as defined in the rule is trained and certified to identify suspect Asbestos-Containing Material (ACM), materials which might be overlooked by a non-certified individual. Locations of potentially overlooked suspect ACM include the ground surface above the underground material; thus, an above-ground survey is part of a thorough inspection.

**Utility pipes (transite and coal tar pipe wrap) are assumed to be ACM and are remediated as ACM. Requiring a facility survey when material is assumed ACM increases costs with no additional environmental benefit. Why is a survey still required when utility pipes are considered a “facility” already presumed to contain ACM?**

Rule 1403 requires that the affected facility or facility components shall be thoroughly surveyed for the presence of asbestos prior to any demolition or renovation activity and that the persons conducting asbestos surveys shall be certified by Cal/OSHA. The NESHAP provides the option for the inspector conducting the survey to assume that material is Asbestos-Containing Material (ACM). This assumption must be included in the survey report that an Asbestos Consultant prepares.

While the 1994 Staff Report for the (then) Proposed Amended Rule 1403 states “An additional means to compliance to this requirement would be through the rule’s exemption, which states that the asbestos survey need not be performed if the materials handled during the demolition/renovation are handled and removed as ACM and disposed of in accordance with the provisions of this rule”, the exemption, as written into the 1994 version of Rule 1403, only exempts certain parts of the of the survey, not the whole survey. From the 1994 Adopted Rule 1403, Exemption (j)(3) reads:

*Subparagraph (d)(1)(A)(v), (vi), and (vii) and subclause (d)(1)(B)(iii)(VI) shall not apply to the owner or operator of any renovation or demolition activity, when the suspected material is removed, stripped, collected, and handled as ACM and disposed of in accordance with the provisions of this rule.*

Subparagraph (d)(1)(A)(v) is that portion of the survey report that discusses the contact information and identity of the laboratory that analyzed the samples, (vi) is that portion of the survey report that discusses the qualifications of the laboratory that analyzed the samples, (vii) is that portion of the survey report that discusses the test methods used to analyze the samples, and (d)(1)(B)(iii)(VI) is that portion of the notification that requires reporting the test method used to identify asbestos in the samples. All of these portions were unnecessary in a survey report where no samples were collected because an asbestos consultant assumed the material to be ACM, but there was never an exemption from the entire survey in Rule 1403, just portions of it.

**Rule 1403 clause (d)(1)(A)(iv) identifies the requirements to conduct asbestos surveys. Who is considered a “qualified individual” to do a survey? Can this be someone trained by Cal/OSHA under Labor Code Section 6501.8(c) and/or utility workers trained in Labor Code Section 9021.9?**

Rule 1403 requires that persons conducting asbestos surveys be certified by Cal/OSHA pursuant to regulations required by subdivision (b) of Section 9021.5 of the Labor Code, and shall have taken and passed an EPA-approved Building Inspector Course and conform to the procedures outlined in the Course.

Labor Code Section 6501.8(c) and 9021.9 discuss who may do “asbestos-related work” and “training programs for all craft employees who may be exposed to asbestos-containing construction materials and all employees and supervisors involved in operations pertaining to asbestos cement pipe” respectively, but these provisions do not discuss surveys.

### 3.6.2 Notification Procedure

**I want to submit a notification that goes for an extended period of time (e.g. a month) and involves removal of transite pipe. How do I address in the notification the situation where during the notification period, additional transite pipe that was buried and could not be immediately identified, may be found?**

Rule 1403 provides for the updating (revision) of notifications for changes in Start Date, End Date and Quantity.

**My facility has been notified of a third party excavating near one of our pipelines. The third party accidentally damaged the pipe coating, and the damage is under 100 square feet surface area. Is this activity exempt from notification? Would this event be considered an “unplanned renovation,” and the contractor can assume it is ACM which would require stabilization and proper disposal?**

The activity described would not be covered by the 100 square foot exemption in Rule 1403(j)(1). Any damaged or disturbed asbestos-containing material (ACM) is subject to Rule 1403. If there is no disturbance or damage to the suspected material, then removing less than 100 square feet of ACM is allowed without notification, but once it is damaged, then you must notify and handle in accordance with Rule 1403. In addition, no contractor may presume or assume ACM. Only a Certified Asbestos Consultant (CAC) or Certified Site Surveillance Technician

(CSST) can presume or assume a material is ACM subject to Rule 1403 to be treated as such.

If any suspected ACM is damaged, regardless of size, then all activity must cease, the site secured and stabilized, and a CAC must assess the damage and survey the site for the presence and condition of ACM and asbestos-contaminated materials. Once the CAC's assessment is completed, then notification must occur and an approved Procedure 5 plan be obtained prior to any asbestos clean-up.

**If subterranean pipe is exposed on the surface and able to be identified and assessed, is a regular notification required?**

If the quantity of asbestos to be abated or removed (surface area of the asbestos-containing pipe or pipe insulation) is 100 square feet or greater and the material is intact, then a notification to the South Coast AQMD is required. If any amount of asbestos-containing pipe or associated materials is determined by an Asbestos Consultant to be damaged or disturbed, then a notification and a Procedure 4 or 5 plan submitted for approval to the South Coast AQMD are required.

### 3.6.3 Sampling Protocol

**What are the procedures for sampling subterranean pipe with insulation that contains asbestos?**

The sampling procedures for subterranean pipe with insulation that contains asbestos are the same as for any other suspect Asbestos-Containing Material.

### 3.6.4 Removal Procedure

**What are the procedure requirements for transite pipe removal that is underground?**

When the pipe is completely exposed and the asbestos consultant as defined in the rule is able to assess the entire surface of the underground pipe (AHERA discusses being able to touch the entire surface) to determine condition and friability, if the entire surface of the pipe is intact, then the abatement of the pipe is a candidate for Procedure 3 (Adequate Wetting).

If the pipe has not been completely exposed, and the asbestos consultant as defined in the rule is not able to assess the entire surface of the underground pipe (AHERA discusses being able to touch the entire surface) to determine condition and friability, if the entire surface of the pipe cannot be determined to be intact, then the abatement of the pipe must be conducted under Procedure 5 because there must be a clean-up plan to address potential disturbed or damaged Asbestos-Containing Material that has not been revealed.

**Is a Procedure 5 plan required for transite pipe or underground pipe if it is intact?**

A Procedure 5 plan is not always required. For cases where pipe is completely exposed and the asbestos consultant as defined in the rule is able to assess the entire surface of the underground pipe (AHERA discusses being able to touch the entire surface) to determine condition and friability, if the entire surface of the pipe is intact, then the abatement of the pipe is a candidate for a Procedure 3 (Adequate Wetting) plan. Only if the pipe is damaged or disturbed, or if it is not completely exposed is a Procedure 5 required in order to address the potential of undiscovered damaged or disturbed Asbestos-Containing Material.

**Does the South Coast AQMD allow preapproved plans for removal of transite pipe?**

Yes, Rule 1403(d)(1)(D)(i)(V)(2) provides for the pre-approval of specific combinations of techniques and/or engineering controls in writing, which may be used by any person as a Procedure 5 Approved Alternative. These are generic plans that discuss the abatement of one or more types of Asbestos-Containing Material (ACM), and the these pre-approved plans must be reviewed and approved every 12 months. These pre-approved plans are used as the Procedure 5 clean-up plan when the material(s) discussed in the plan must be abated. They are uploaded as part of the site-specific notification along with the survey for that specific site.

**Would a Procedure 4 (Dry Removal) or Procedure 5 (Approved Alternative) plan be applicable to transite pipe work that is less than 100 square feet? What requirements in Rule 1403 apply? Is a survey still required?**

Surveys are required for all abatement projects no matter the size of the abatement, except for residential single unit dwellings where less than 100 square feet of surface area of ACM will be removed or stripped.

An Approved Procedure 4 or 5 notification would be required for transite pipe work of less than 100 square feet if the survey revealed that any amount of the material was found to be disturbed or damaged.

**A pipeline has two flanges and the contractor wants to unbolt at the flanged connections without abating the coating or making the ACM friable; can the contractor proceed with removing the pipe and then take the pipe to a different location to abate the ACM?**

Yes. Care must be taken during handling to ensure that ACM is not disturbed during the removal and transport.

**In the case of an unexpected event that asbestos-containing pipe is found, can I waive the 10-day notification if I have a pre-approved Procedure 5 plan?**

Pre-approved Procedure 5 clean-up plans may be used to address the abatement of disturbed Asbestos-Containing Material (ACM) when there has been a sudden unexpected event that disturbs the ACM (an Emergency Renovation as defined in Rule 1403). The property owner or manager must provide a letter outlining the sudden unexpected event, the date of the event and a description of the unsafe condition that was created in order to satisfy the requirements to waive the 10-day waiting period required by the NESHAP, when applicable, and Rule 1403. The property owner or manager must wait for South Coast AQMD approval prior to proceeding with the clean-up plan. Having a pre-approved Procedure 5 plan on record with South Coast AQMD expedites the review process and reduces the fees for review.

### **3.7 On-Site Proof and Recordkeeping**

**Are electronic records acceptable?**

Yes, electronic records are acceptable.

## **4. WARNING LABELS, SIGNS, AND MARKINGS**

**Rule 1403(e)(3)(B) references 29 CFR 1910.145(d)(4), but I thought this requirement applies to signs specific to a site, not for signs used for over-the-road shipments of hazardous waste, which are covered by Title 49. Is this section for waste shipments?**

Rule 1403(e)(3)(B) applies to Transportation Vehicles. 29 CFR 1910.145(a)(1) states:

These specifications apply to the design, application, and use of signs or symbols (as included in paragraphs (c) through (e) of this section) that indicate and, insofar as possible, define specific hazards that could harm workers or the public, or both, or to property damage. These specifications are intended to cover all safety signs except those designed for streets, highways, and railroads. These specifications do not apply to plant bulletin boards or to safety posters.

## **5. SAMPLING PROTOCOLS**

**In a survey of a building which has drywall, will the South Coast AQMD look for sampling of all 3 layers? Maybe the lab does not separate the drywall, the lab does not see the layers, or the drywall sample does not have joint compound in it. Will the South Coast AQMD only accept a survey that has those 3 layers?**

Yes, surveys are reviewed to determine if all building materials with the potential to contain asbestos are sampled. South Coast AQMD staff know that wall systems traditionally include wall board/joint compound/tape or wall board/plaster or button board/plaster, etc., and expect to see these material combinations represented in the chain of custody and/or laboratory results.

With that said, the asbestos consultant is trained and experienced in collecting samples of materials that are representative of the building materials that are going to be disturbed or removed during renovation. If the CAC reports that the drywall does not have joint compound to begin with, then the layers will not include joint compound. This is one of the reasons for the South Coast AQMD to have inspectors, in order to visit sites and make their observations to make sure the materials in the building were properly surveyed.

## **6. TEST METHODS**

### **6.1 Analysis Requirements**

#### **6.1.1 Methods**

**What is the formal laboratory analytical method for point counting?**

The procedure for point counting is specified in 40 CFR Part 763 Appendix E to Subpart E, Section 1.7.2.4 “Quantitation of Asbestos Content” and in EPA/600-93/116 “Method for the Determination of Asbestos in Bulk Building Materials,” Section 2.2.5.2.2 “Quantitation of Asbestos Content.”

**Is Polarized Light Microscopy (PLM) an approved method to determine Asbestos-Containing Material (ACM) when it is less than 1%? Which methods are acceptable? What type of point counting is acceptable and what is the formal laboratory analytical method for point counting?**

Environmental Protection Agency (EPA) Applicability Determination Index Control Number C112 directs that, except for sample results of non-detect, sample results of less than 10% must be point counted by at least 400-point count method or assumed to be ACM >1% by the asbestos consultant. If PLM reveals trace amounts or <1%, then it must be, at a minimum, 400-point counted to verify the sample is <1%. This means that all sample results that are reported as “trace” or “<1%” by PLM analysis must be point counted to verify that that material is not subject to Rule 1403. The procedure for point counting is specified in 40 CFR Part 763 Appendix E to Subpart E, Section 1.7.2.4 “Quantitation of Asbestos Content” and in EPA/600-93/116 “Method for the Determination of Asbestos in Bulk Building Materials,” Section 2.2.5.2.2 “Quantitation of Asbestos Content.” More stringent methods, including, but not limited to, 1000-point count, point counting with gravimetric reduction, or Transmission Electron Microscopy (TEM), are also acceptable to verify that the sample is <1% after PLM analysis. Please refer to the Environmental Protection Agency document in the Applicability Determination Index under Control Number C112 (Subpart 61, M, Asbestos, Reference 61.141).

### 6.1.2 ACM Determination

**Under 10%, you require a 400-point count. If I do a 1,000-point count and it comes out to <1%, will you accept that result?**

Yes, using 1,000-point count, a more stringent point count method, is acceptable.

**Is point counting required for anything less than 1%?**

The Environmental Protection Agency Applicability Determination Index (Control Number C112) requires that sample results of less than 10% must be point counted by at least 400-point count method. If PLM reveals trace amounts or <1%, then it must be, at a minimum, 400-point counted to verify the sample is <1%. In lieu of point counting, the CAC may presume or assume it is ACM and direct that it be abated as such. Compliance staff will not accept surveys which state trace or <1% detected that have not been point counted.

**Three (3) samples in the lab report are all less than 1% asbestos. How many of those have to be point counted?**

All three must be point counted. EPA Applicability Determination Index Control Number C112 directs that, except for sample results of non-detect, sample results of less than 10% must be point counted by at least 400-point count method or assumed to be ACM >1% by the asbestos consultant as defined in the rule. If PLM reveals trace amounts or <1%, then it must be, at a minimum, 400-point counted to verify the sample is <1%. This means that all sample results that are reported as “trace” or “<1%” by PLM analysis must be point counted to verify that that material is not subject to Rule 1403.

**If all 3 samples of a material come back from the lab after PLM analysis as non-detect, is the material deemed non-Asbestos-Containing Material?**

Yes, if PLM analysis does not detect asbestos, then the material has been determined to be non-ACM and no further testing is required.

**If a sample comes back 5% after PLM, then gets point counted in lab, it goes down to <1%. The <1% result controls?**

Yes, the more precise analysis method (point count) controls.

### 6.1.3 Composite Samples

**In a survey of a building which has drywall, will the South Coast AQMD look for sampling of all 3 layers? Maybe the lab does not separate the drywall, the lab does not see the layers, or the drywall sample does not have joint compound in it. Will the South Coast AQMD only accept a survey that has those 3 layers?**

Yes, surveys are reviewed to determine if all building materials with the potential to contain asbestos are sampled. South Coast AQMD staff know that wall systems traditionally include wall board/joint compound/tape or wall board/plaster or button board/plaster, etc., and expect to see these material combinations represented in the chain of custody and/or laboratory results.

With that said, the asbestos consultant as defined in the rule is trained and experienced in collecting samples of materials that are representative of the building materials that are going to be disturbed or removed during renovation. If the CAC reports that the drywall does not have joint compound to begin with, then



the layers will not include joint compound. This is one of the reasons for the South Coast AQMD to have inspectors, in order to visit sites and make their observations to make sure the materials in the building were properly surveyed.

**Is composite sampling allowed for abatement purposes? For which materials is this allowed? What about for disposal purposes? The 1993 EPA letter, published in the January 5, 1994 Federal Register, specifically lists drywall and joint compound as one integral system, best sampled as a composite. There are some sampling scenarios where “systems” of homogeneous material applications (HMAs) are inseparable and as such, some multi-system HMAs may be subject to “composite sampling” in the field, but at the same time, would be subject to separate layered analysis at the laboratory.**

For compliance with Rule 1403, composite sampling is allowed, but composite analysis is not. Rule 1403(d)(1)(A)(i) states, “The survey shall include the onsite inspection, identification, and quantification of all friable, and Class I and Class II nonfriable ACM, and any physical sampling of materials in accordance with subdivision (h).” Since drywall and drywall joint compound are identifiably different materials and joint compound is often applied substantially beyond just filling joints and nail holes even to a degree of a skim coat, thereby increasing the chance for asbestos exposure, they must be analyzed separately. This position is more stringent than the NESHAP, however consistent with how Rule 1403 has always been interpreted and in agreement with OSHA requirements. Building materials that cannot be separated in the field can be composite sampled, and the laboratory must separate the samples for analysis.

With regards to the question of composite analysis for disposal, Rule 1403 has always required that all Asbestos-containing Waste Material (ACWM) shall be disposed of at a waste disposal site that is operated in accordance with paragraph (d)(3) of this rule. ACWM, by definition, includes “any waste that contains commercial asbestos and that is generated by a source subject to the provisions of this rule. ACWM includes, but is not limited to, ACM which is friable, has become friable, or has a high probability of becoming friable, or has been subjected to scraping, sanding, grinding, cutting, drilling or abrading, and the waste generated from its disturbance, such as asbestos waste from control devices, filters from control devices, particulate asbestos material, asbestos slurries, bags or containers that previously contained asbestos, used asbestos-contaminated plastic sheeting and clothing, and clean-up equipment waste, such as cloth rags or mop heads.”

**The three (3) sample minimum becomes an issue when a CAC/CSST takes 3 composite samples of drywall, takes them to the lab, and the lab separates each sample into four (4) layers, tests each layer, and comes back with these results: gypsum 2%, tape 2%, wallboard non-detect, and joint compound <1%. Does the joint compound need to be sampled with 3 samples minimum?**

Yes, each separable layer of building material must be analyzed separately. Drywall joint compound is identifiable as a separate material, and Rule 1403(d)(1)(A)(i) states, “The survey shall include the onsite inspection, identification, and quantification of all friable, and Class I and Class II nonfriable ACM, and any physical sampling of materials in accordance with subdivision (h).”